

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. In particular, Applicant claims remotely identifying the user of a device to be configured. Applicant has further amended claims to comply with grammatical formalities. No new matter has been added as a result of these amendments.

### **Objections**

#### ***Objections to the Claims***

The Examiner objected to claim 16 as containing informalities. Applicant has corrected the informalities and respectfully requests the withdrawal of the objection. Applicant further respectfully submits that no new issues are raised by the corrections.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(b)***

##### **Claims 1, 4, 5, 10, 13 and 14**

Claims 1, 4, 5, 10, 13 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Norris, U.S. Patent No. 5,557,748. Applicant respectfully submits that Norris does not disclose each and every element of the invention as claimed in claims 1, 4, 5, 10, 13 and 14.

Norris discloses configuring a computer attached to a network based on an analysis of the traffic flowing on the network. The computer analyzes the traffic on the network to determine the users participating in the network. The computer compares the users participating in the network with a list of known user participant patterns. If there is a match with a known user pattern, then the computer configures itself with network parameters associated with the known participants.

Applicant respectfully submits that Norris does not teach or suggest each and every limitation of Applicant's claims. In independent claims 1 and 10, Applicant claims identifying the user of a device. In contrast, Norris discloses identifying users of the

network rather than the user of the device as claimed. That is, Norris fails to disclose or suggest identification of a direct association between a device and a user as Applicant's claims recite. Therefore, Norris cannot be properly interpreted as anticipating claims 1 and 10 and claims 4, 5, 13, and 14 that depend from them. Accordingly, Applicant respectfully submits that claims 1, 4, 5, 10, 13 and 14 are not anticipated by Norris under 35 U.S.C. § 102(b) and respectfully requests the withdrawal of the rejection of the claims.

***Rejections under 35 U.S.C. § 102(e)***

**Claims 19, 20, 23-26 and 29-32**

Claims 19, 20, 23-26 and 29-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dharmadhikari, U.S. Patent Publication No. US 2003/0065816. Applicant does not admit that Dharmadhikari is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that Applicant's claims 19, 20, 23-26 and 29-32 are not anticipated by Dharmadhikari.

Dharmadhikari discloses modifying a routing table based on a selected network interface of a local computer. A policy manager selects the network interface by matching the characteristics of the network interface with a set of user preferences. The policy manager accesses the user preferences from a registry, database or configuration file.

Applicant respectfully submits that Dharmadhikari does not teach or suggest each and every limitation of Applicant's claims. In claims 19 and 25, Applicant claims remotely identifying the user of a device. In contrast, Dharmadhikari only receives the user preferences to configure a local computer but does not teach or suggest remotely identifying the user of a device. Therefore, Dharmadhikari cannot be properly interpreted as anticipating Applicant's independent claims 19 and 25 and claims 20, 23, 24, 26 and 29-32 that depend from them. Accordingly, Applicant respectfully submits that claims 19, 20, 23-26 and 29-32 are not anticipated by Dharmadhikari under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

### ***Rejections under 35 U.S.C. § 103***

#### **Claims 2, 3, 11 and 12**

Claims 2, 3, 11, and 12 stand rejected under 35 U.S.C. § 103(a) as being obvious over Norris in view of Ricart, et. al., U.S. Patent Publication No. 2002/0165906. Ricart qualifies as prior art only under 35 U.S.C. § 102(e) because it published after Applicant's effective filing date. Applicant does not admit that Ricart is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the combination of Norris and Ricart does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's claims 2, 3, 11, and 12.

Claims 2, 3, 11, 12 depend from independent claims 1 and 10. In claims 1 and 10, Applicant claims remotely identifying the user of a device to be configured. As discussed above, Norris does not teach or suggest identifying the user. Because Norris does not teach or suggest the claimed element of claims 1 and 10, Ricart must disclose at the least the missing element in order to have a proper *prima facie* case for claims 2, 3, 11 and 12.

Ricart discloses personalizing a new computer based on stored personalization information of an old computer. The new computer is personalized after the new computer replaces the old computer. In addition, the system personalizes a network of computers by personalizing the new local server, storing the personalization information for networked workstations on the new local server and personalizing the workstations.

However, because Ricart does not disclose identifying the user of a device, Ricart cannot be properly interpreted as disclosing remotely identifying the user of a device to be configured. As neither Norris nor Ricart teach or suggest this element as claimed in claims 1 and 10, the combination cannot be interpreted as disclosing the claimed element. Therefore, the combination cannot render obvious Applicant's claims 1 and 10 and claims 2, 3, 11, and 12 that depend on them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

### ***Rejections under 35 U.S.C. § 103***

#### **Claims 6 and 15**

Claims 6 and 15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Norris in view of Dharmadhikari. Applicant respectfully submits that the combination of Norris and Dharmadhikari does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's claims 6 and 15. Claims 6 and 15 depend from independent claims 1 and 10, respectively. In claims 1 and 10, Applicant claims remotely identifying the user of a device to be configured. However, because neither Norris nor Dharmadhikari teach or suggest this element as claimed in claims 1 and 10, the combination cannot be interpreted as disclosing the claimed element. Therefore, the combination cannot render obvious Applicant's claims 1 and 10 and claims 6 and 15 that depend from them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

#### **Claims 7, 8, 16, and 17**

Claims 7, 8, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Norris in view of Ricart and Reed, U.S. Patent No. 6,754,504. Reed qualifies as prior art only under 35 U.S.C. § 102(e) because it published after Applicant's effective filing date. Applicant does not admit that Reed is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the combination of Norris, Ricart, and Reed does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's claims 7, 8, 16, and 17.

Claims 7, 8, 16, and 17 depend from independent claims 1 and 10. In claims 1 and 10, Applicant claims remotely identifying the user of a device to be configured. Because Norris and Ricart do not teach or suggest this limitation of claims 1 and 10, Reed must disclose at the least the missing element in order to have a proper *prima facie* case for claims 7, 8, 16, and 17.

Reed discloses controlling a user's environmental condition within a predefined area based on the user's preference. A portable communication unit contains the user's

preferences for environmental conditions. A controller detects the portable communication unit and obtains the user's preferences. Based on the user's preferences (and other users references in the predefined area), the controller determines an optimal environmental condition for the predefined area.

However, because Reed does not teach or suggest identifying the user of a device, Reed cannot be properly interpreted as disclosing the claimed element. As none of Norris, Ricart or Reed teach or suggest this element as claimed in claims 1 and 10, the combination cannot be interpreted as disclosing the claimed element. Therefore, the combination cannot render obvious Applicant's claims 1 and 10 and claims 7, 8, 16, and 17 that depend from them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

#### **Claims 9 and 18**

Claims 9 and 18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Norris in view of Reed. Applicant respectfully submits that the combination of Norris and Reed does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's claims 9 and 18. Claims 9 and 18 depend from independent claims 1 and 10. In claims 1 and 10, Applicant claims remotely identifying the user of a device to be configured. However, because neither Norris nor Reed teach or suggest this element as claimed in claims 1 and 10, the combination cannot be interpreted as disclosing the claimed element. Therefore, the combination cannot render obvious Applicant's claims 1 and 10 and claims 9 and 18 that depend from them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

#### **Claims 21 and 27**

Claims 21 and 27 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dharmadhikari in view of Norris. Applicant respectfully submits that the combination of Norris and Dharmadhikari does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's claims 21 and 27. Claims 21 and 27 depend from independent claims 19 and 25. In

claims 19 and 25, Applicant claims remotely identifying the user of a device. However, as discussed above, because neither Norris nor Dharmadhikari teach or suggest this element as claimed in claims 19 and 25, the combination cannot be interpreted as disclosing the claimed element. Therefore, the combination cannot render obvious Applicant's claims 19 and 25 and claims 21 and 27 that depend from them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

### **Claims 22 and 28**

Claims 22 and 28 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dharmadhikari in view of Bunney, US Patent No. 6,487,584. Bunney qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's effective filing date. Applicant does not admit that Bunney is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the combination of Dharmadhikari and Bunney does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's claims 22 and 28.

Bunney discloses associating multiple addresses with a user to allow the user access a common home page from multiple user terminals. In addition, the multiple user terminals associated with the user can send messages between the multiple user terminals. A server stores the user/terminal address association information.

Claims 22 and 28 depend from independent claims 19 and 25. In claims, 19 and 25, Applicant claims remotely identifying the user of a device to be configured. Because Dharmadhikari does not teach or suggest this limitation of claims 19 and 25, Bunney must disclose at the least the missing element in order to have a proper *prima facie* case for claims 22 and 28.

However, Bunney does teach or suggest identifying the user of a device to be configured. Thus, because neither Bunney nor Dharmadhikari teach or suggest this element as claimed in claims 19 and 25, the combination cannot be interpreted as disclosing the claimed element. Therefore, the combination cannot render obvious Applicant's claims 19 and 25 and claims 22 and 28 that depend from them. Accordingly,

Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

### **SUMMARY**

Claims 1-32 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x258.


### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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